

1 ENGROSSED SENATE
2 BILL NO. 1713

By: David of the Senate

3 and

4 Martinez of the House

5
6 An Act relating to regulation of residential building
7 design elements; prohibiting municipal, city or town
8 regulation of residential building design elements
9 after certain date; providing certain exceptions to
10 regulation of building design elements; defining
11 terms; construing certain prohibitions for certain
12 purposes; providing for codification; and declaring
13 an emergency.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 43-109.3 of Title 11, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Beginning on and after the effective date of this act, a
19 municipality, city or town shall not adopt or impose new single-
20 family residential building design elements or implement new
21 policies that have the effect of creating new single-family
22 residential building design element regulations, unless:

23 1. The residential building structure is:

- 24 a. located in an area formally designated and declared as
a state or local historic district under applicable
law,

- 1 b. designated as a local, state or national historic
2 landmark,
- 3 c. located on a property that is governed by a regulation
4 created by any valid negotiated zoning ordinance which
5 serves to indicate mutual consent between property
6 owners and a municipality, city or town, which
7 includes but is not limited to a Planned Unit
8 Development,
- 9 d. located on a property that is governed by the
10 application of a municipal, city, or town policy,
11 regulation or ordinance affecting the public safety of
12 residential building design elements and such policy,
13 regulation or ordinance was duly and properly adopted
14 by the applicable governing body in accordance with
15 applicable law,
- 16 e. located on a property that is governed by a policy or
17 regulation as set forth within a duly adopted tax
18 increment finance district or a business improvement
19 district,
- 20 f. located on a property that is governed by a policy or
21 regulation of an overlay or a special purpose zoning
22 district that is adopted pursuant to applicable law, or
- 23 g. located in an existing neighborhood designated as a
24 blighted area or redevelopment district; or

1 2. The regulations are:

2 a. directly and substantially related to life safety or
3 building safety, or

4 b. applied to manufactured housing in a manner consistent
5 with applicable state or federal law, or

6 c. adopted as a condition for participation in the
7 National Flood Insurance Program.

8 B. As used in this section:

9 1. "Residential building design elements" means:

10 a. type or style of exterior cladding or finish materials,

11 b. style or materials of roof structures, roof pitches or
12 porches,

13 c. exterior nonstructural architectural ornamentation,

14 d. location, design, placement or architectural styling of
15 windows and doors including garage doors and garage
16 structures,

17 e. the number and types of rooms,

18 f. the interior layout of rooms, and

19 g. the minimum square footage of a structure; and

20 2. "Residential building design elements" does not include:

21 a. the height, bulk, orientation or location of a
22 structure on a lot, or

23 b. buffering or screening elements located at the
24 perimeter of the property that are used to:

- 1 (1) minimize visual impacts,
- 2 (2) mitigate the impacts of light and noise, or
- 3 (3) protect the privacy of neighbors.

4 C. This section does not prohibit or diminish the rights of
5 private parties to enact regulations as created by valid private
6 covenants or other contractual agreements among property owners
7 relating to residential building design elements including
8 restrictive covenants and declarations such as those maintained by
9 owners' associations in real estate developments as created under
10 Section 851 et seq. of Title 60 of the Oklahoma Statutes or under
11 Section 501 et seq. of Title 60 of the Oklahoma Statutes.

12 SECTION 2. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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